

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOHN FRANCIS ARPINO,

Plaintiff,

v.

SHARRON HOWELL, et al.,

Defendants.

Case No. 3:13-cv-00213-MMD-WGC

ORDER

Plaintiff, who is a prisoner at the Northern Nevada Correctional Center, has submitted an application to proceed *in forma pauperis* (dkt. no. 1) and a civil rights complaint pursuant to 42 U.S.C. § 1983. When plaintiff commenced this action, he was a prisoner at the Washoe County Detention Center. The financial information on the application (dkt. no. 1) is from that time, and it is now stale. Plaintiff will need to submit a new application to proceed *in forma pauperis*, along with a statement of his inmate account and a financial certificate signed by the correct prison official.

Plaintiff has submitted a motion to compel to surrender video evidence (dkt. no. 7). This motion is premature. If the action proceeds against the defendants, and if the defendants do not submit this evidence through the normal procedures of discovery, then plaintiff may renew the motion.

Plaintiff has submitted a motion or petition for an emergency injunction and an order to cease and desist (dkt. no. 12). Plaintiff claims that the level system used at the Northern Nevada Correctional Center is unconstitutional because it requires him to work

1 to be placed in the upper levels with more privileges and to receive a deduction from his
2 sentence of six (6) days per month; plaintiff alleges that he is disabled and thus cannot
3 receive these benefits. However, the issues raised in this motion are not germane to
4 the complaint. The complaint alleges constitutional violations by staff members at the
5 Washoe County Detention Center, and no employee of the Nevada Department of
6 Corrections is a defendant. The Court denies this motion.

7 Plaintiff has submitted a motion or plea for intervention (dkt. no. 15). Plaintiff
8 alleges a belief that the Court is not receiving any of the mail that he sends to it. He
9 appears to believe that the law librarian at the Northern Nevada Correctional Center is
10 withholding communications between him and the Court. He is incorrect. The Court
11 has received numerous documents from plaintiff. The Court developed an electronic-
12 filing program with the law library at the Northern Nevada Correctional Center, in part to
13 cut down the photocopying expenses that inmates incur when serving documents upon
14 defendants. Electronic filing also reduces the time it takes for a prisoners' documents to
15 be seen by the Court and defendants, and it reduces the time for an order of the Court
16 to reach prisoners.¹ The law librarian is not a party to this action, and none of plaintiff's
17 allegations indicate that she is not following the procedures of the electronic-filing
18 program. The Court has sent multiple documents to plaintiff through the electronic filing
19 program. Plaintiff is not receiving them because plaintiff is refusing to receive them.
20 This is nothing different than a prisoner who would refuse to accept physical mail from
21 the Court. The Court denies plaintiff's motion.

22 Plaintiff has submitted motions to extend prison copywork limit (dkt. no. 17, 22).
23 Plaintiff appears to be using a form motion for a habeas corpus petition, which this

24
25 ¹In another document (dkt. no. 9), plaintiff complains that electronic filing allows
26 the attorney general to view documents filed with the Court before the Court views the
documents. That is untrue. When a document is filed electronically, a notice is sent via
e-mail simultaneously to the Court and to the parties.

27 It also is unclear whether the attorney general ever would appear in this action.
28 The defendants are correctional officers and medical staff at the Washoe County
Detention Center. Counsel other than the attorney general usually represents such
defendants.

1 action is not. Nevertheless, an extension of the indigent photocopying limit for plaintiff is
2 unnecessary. As noted just above, the electronic-filing program reduces, if not
3 eliminates, the need for plaintiff to make photocopies of documents to serve upon the
4 defendants.

5 Plaintiff has submitted a motion to provide him with the copy of the entire case
6 record (dkt no. 21). Other than the complaint, of which the Court will send plaintiff a
7 copy, the docket consists of nothing but plaintiff's allegations about the law librarian and
8 the electronic filing.

9 Plaintiff has submitted a motion for the Court to provide plaintiff with a physical
10 order allowing him to proceed *in forma pauperis* (dkt. no. 23). Attached is an application
11 to proceed *in forma pauperis* with the same stale information. The Court denies this
12 motion.

13 It is therefore ordered that the application to proceed *in forma pauperis* (dkt. no.
14 1) is denied without prejudice.

15 It is further ordered that plaintiff shall file another application to proceed *in forma*
16 *pauperis*, accompanied by a signed financial certificate and a statement of his inmate
17 account. The Clerk of the Court shall send plaintiff a blank application form for
18 incarcerated litigants. In the alternative, plaintiff shall make the necessary arrangements
19 to pay the filing fee of three hundred fifty dollars (\$350.00), accompanied by a copy of
20 this order. Plaintiff shall have thirty (30) days from the date on which this order is
21 entered to comply. Failure to comply will result in the dismissal of this action.

22 It is further ordered that plaintiff's motion to compel to surrender video evidence
23 (dkt. no. 7) is denied.

24 It is further ordered that plaintiff's motion or petition for an emergency injunction
25 and an order to cease and desist (dkt. no. 12) is denied.

26 It is further ordered that plaintiff's motion or plea for intervention (dkt. no. 15) is
27 denied.
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1 It is further ordered that plaintiff's motions to extend prison copywork limit (dkt.
2 no. 17, 22) are denied.

3 It is further ordered that plaintiff's motion to provide him with the copy of the
4 entire case record (dkt no. 21) is granted in part. The Clerk of the Court shall send
5 plaintiff a copy of the complaint.

6 It is further ordered that plaintiff's motion for the court to provide plaintiff with a
7 physical order allowing him to proceed *in forma pauperis* (dkt. no. 23) is denied.

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9 DATED THIS 6th day of December 2013.



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11 MIRANDA M. DU
12 UNITED STATES DISTRICT JUDGE
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